**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH**
**AT HYDERABAD**

THURSDAY THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FOUR
: PRESENT:
THE HON`BLE MR. JUSTICE: **B.S.A. SWAMY**

C.M.A. No. **540 OF 2001**

(Appeal under Section 173 of M.V. Act against the orders passed in O. P. No. 315 of 1998 dated: 03-11-2000 on the file of the Court of the Chairman, Motor Accident Claims Tribunal (III Additional District Judge), Karimnagar)

**Between:**

Gadila Raju, S/o. Sattaiah, Occ: Labourer, R/o. Anjeriwada, Jagitial Proper, Karimnagar District.

Appellant

AND

1. Shaik Answar, S/o. Nanne Sahab, Driver of Tractor No. APR-6401 and Trailor No. 6402, R/o. Dharoor Village of Jagitial Mandal.
2. Syed Khan, S/o. Basith Khan, Owner of the Tractor NO. APR-6401 and Trailor No. 6402, R/o. Dharoor Village of Jagitial Mandal, Karimnagar (died)
3. The New India Assurance Company Limited, rep. by its Branch Manager, Jafri Road, Karimnagar (Cover note No. 458069 valid from 18-11-1996 to 17-11-1997)
4. Feroz Khan, S/o. Syed Khan, Occ: Business, R/o. Dharoor Village of Jagitial, Karimnagar.

   (Respondent No. 4 is legal heir of respondent No. 2 brought on record as per orders passed in I.A. No. 264 of 1999, dated: 05-08-1999)

Respondents

The Appeal coming on for hearing, upon perusing the Appeal and memo of grounds filed in support thereof and upon hearing the arguments of Mr. V. Ramachandar Rao, Advocate for the Petitioner the Court made the following

**ORDER:**

**"While it is the case of the claimants that he undertook the treatment as in-patient in Osmania General Hospital, Hyderabad from 28-07-1997 to 30-07-1997 and again from 25-08-1997 to 07-09-1997, the discharge card with I.P. NO. 23402 in MLC No. 13474, may be of 1997 shows that he was admitted on 23-07-1997 and discharged on 24-07-1997. But the discharge card did not contain the seal of the Hospital and some one initiated.**

**Since the discharge card is at variance with the version of the claimant, the Registrar (Judicial) is directed to call for the Case Sheet relating to claimant-patient by name G. Raju, vide I.P. No. 23402 in MLC. No. 18474 from Osmania General Hospital, Hyderabad, and also call for a report from the Superintendent of the Osmania General Hospital, Hyderabad as to how many times the claimant has take treatment in the hospital as in patient and also the period of stay in the hospital, on or before 25-03-2004 through some clerk of the said hospital.**

**The learned counsel for the appellant is directed to ensure the presence of both the counsel, who conducted the O.P. No. 315 of 1998 on the file of III Additional District Judge, Karimnagar, and his client before this Court on 25-03-2004 at 10.30. a.m.**

**The Registrar (Judicial) is further directed to serve this order on the Superintendent, Osmania General Hospital, Hyderabad, through Special Messenger by tomorrow.**

**Post the matter on 25-03-2004".**

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR



To

1. The Chairman, Motor Accidents Claims Tribunal (III Additional District Judge), Karimnagar.
2. The Superintendent, Osmania General Hospital, Hyderabad. (BY SPECIAL MESSENGER with a copy of petition and memo of grounds)
3. Shaik Answar, S/o. Nanne Sahab, Driver of Tractor No. APR-6401 and Trailor No. 6402, R/o. Dharoor Village of Jagitial Mandal.
4. The Branch Manager, New India Assurance Company Limited, Jafri Road, Karimnagar (Cover note No. 458069 valid from 18-11-1996 to 17-11-1997)
5. Feroz Khan, S/o. Syed Khan, Occ: Business, R/o. Dharoor Village of Jagitial, Karimnagar.
6. One CC to Mr. V. Ramachandra Rao, Advocate, High Court of A.P., Hyderabad. (BY SPECIAL MESSENGER)
7. One spare copy.
8. The Registrar (Judicial), High Court of A.P., Hyderabad. (for kind perusal)

Ksv

# HIGH COURT

Ksv
Date of drafting: 20-03-2004

BSASJ

**DATE: 18-03-2004**

**Note: POST THE MATTER**
**ON 25-03-2004**

**ORDER**

C.M.A. No. 540 OF 2001

**DIRECTION**